

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
GREENEVILLE DIVISION

NEW YORK STATE CORRECTIONAL,	)	
	)	
Plaintiff,	)	2:24-CV-00170-DCLC-CRW
	)	
v.	)	
	)	
RICARDO MCCRAY,	)	
	)	
Defendant.	)	

**ORDER**

This matter is before the Court to consider the Report and Recommendation (“R&R”) of the United States Magistrate Judge [Doc. 3]. The magistrate judge granted Plaintiffs’ Motion for Leave to Proceed *in forma pauperis* [Doc. 1]; however, pursuant to 28 U.S.C. § 1915, the magistrate judge recommends that Plaintiff’s Complaint be dismissed with prejudice and that Plaintiff be referred for (1) an analysis of whether Plaintiff should be declared a vexatious litigant and (2) for any action that is deemed necessary and proper to address Plaintiff’s impersonation of a licensed attorney [Doc. 3, pg. 6]. Plaintiff objects to the recommended dismissal [Doc. 5].

As more thoroughly explained by the magistrate judge in the R&R, the true Plaintiff in this action is Robert W. Johnson (“Mr. Johnson”), despite the captioning of the Complaint [Doc. 3, pg. 1]. Mr. Johnson, who has a history of vexatious litigation [*See Id.* at pgs. 4, 5], initiated the instant action purporting to be a licensed attorney and alleging that “New York State Correctional” has wrongfully detained, imprisoned, and failed to release Ricardo McCray and other inmates [Doc. 2]. Given that Mr. Johnson failed to allege any redressable injury on behalf of himself or how he may represent Mr. McCray or any other inmate in a representative capacity, the magistrate judge found that he lacks standing to bring the instant action [Doc. 3, pg. 4]. The magistrate judge further

found that it would be futile to provide Mr. Johnson with an opportunity to file an amended complaint [*Id.*]. In response to the R&R, Mr. Johnson objects to the recommended dismissal and requests that Mr. McCray and other “wrongfully detained” inmates be released [Doc. 5].

When a party objects to a magistrate judge’s R&R, the Court “must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed.R.Civ.P. 72(b)(3). After review, the district judge “may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” *Id.*; *see also* 28 U.S.C. § 636(b)(1). However, general objections are insufficient to preserve issues for the Court’s review. *See Howard v. Secretary of Health and Human Services*, 932 F.2d 505, 509 (6th Cir. 1991) (“A general objection to the entirety of the magistrate’s report has the same effects as would a failure to object.”). Based on the foregoing, Mr. Johnson’s general objection to the magistrate judge’s recommended disposition of the case is insufficient. Moreover, after thorough consideration of the R&R, the record as a whole, and Mr. Johnson’s history of vexatious litigation, the Court finds that the magistrate judge properly analyzed the issues presented.

Accordingly, for the reasons set out in the R&R, which are incorporated by reference herein, it is hereby **ORDERED** that the R&R [Doc. 3] is **ADOPTED**. The Complaint in the above-captioned action is **DISMISSED WITH PREJUDICE**. The Clerk is **DIRECTED** to close this case.

Furthermore, as a result of Mr. Johnson’s history of vexatious filing practices in this Court, as detailed in the R&R [Doc. 3, pg. 1 n.1], he is hereby **PERMANENTLY ENJOINED** from filing any new petitions or complaints in this Court or from making any new filing in any cases

that have been closed without first seeking and obtaining the Court's permission to file. To obtain the Court's permission to file, Mr. Johnson **MUST** submit to the Court:

1. A copy of the proposed petition, complaint, or document to be filed;
2. A "Motion Pursuant to Court Order Seeking Leave to File," which must include as exhibits:
  - a. A copy of this Order;
  - b. A declaration prepared pursuant to 28 U.S.C. § 1746, or a sworn affidavit, certifying that:
    - i. The petition, complaint, or other document raises a new issue which has never been previously raised by Mr. Johnson in this or any other court;
    - ii. The claims asserted in the petition, complaint, or other document are not frivolous; and
    - iii. The petition, complaint, or other document is not filed in bad faith;
  - c. A statement that lists:
    - i. The full caption of each and every suit that has been previously filed by Johnson or on his behalf in any court against each and every defendant named in any new suit he wishes to file; and
    - ii. The full caption of each and every suit that he has filed that is currently pending.

The Clerk's Office shall identify Mr. Johnson as a **RESTRICTED FILER** in CM/ECF and shall reject any proposed filings by Mr. Johnson that do not contain the required Motion Pursuant to Court Order Seeking Leave to File and required attachments. The Court may deny any motion for leave to file if the proposed filing is frivolous, vexatious, or harassing, or otherwise fails to comply with this Order. If the motion is denied, the document shall not be filed and will be returned to Mr. Johnson.

The Court may dismiss any action initiated by the inadvertent filing by the Clerk's Office of any document submitted by Mr. Johnson that has not been approved for filing in compliance

with this Order. The Court may also dismiss any action removed to this Court that has been improperly filed in another Court in an attempt to circumvent this Order. A failure to comply with this Order may lead to further sanctions.

**SO ORDERED:**

s/ Clifton L. Corker  
United States District Judge